

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

SHANCEY FRANKLIN

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§

CASE NO. 4:02CR88.3

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced criminal action, this Court having heretofore referred the request for modification of Defendant's supervised release to the United States Magistrate Judge for proper consideration. The Court has received the report of the United States Magistrate Judge pursuant to its order. As Defendant has waived his right to object, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is, therefore,

**ORDERED** that the Magistrate Judge's Report is **ADOPTED** as the opinion of the Court.

It is further **ORDERED** that Defendant's supervised release is hereby **REVOKED**.

It is further **ORDERED** that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirteen (13) months. The Court recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas.

The Court further **ORDERS** that Defendant pay a fine of \$2,000.00, due immediately, payable by cashier's check or money order to the United States District Court and forwarded to the United States Clerk's Office, P.O. Box 570, Tyler, Texas 75710.

Further, upon release from imprisonment, it is **ORDERED** that Defendant shall be placed on supervised release for a period of fifteen (15) months. Within 72 hours of release from the custody of the Bureau of Prisons, Defendant shall report in person to the probation office in the district to which Defendant is released. While on supervised release, Defendant shall not commit another federal, state or local crime, and shall comply with the following additional conditions:

Any amount of Defendant's \$2000.00 that remains unpaid when Defendant's supervision commences should be paid on a monthly basis at a rate of at least 10% of the Defendant's gross income, to be changed during supervision, if needed, based on Defendant's changed circumstances, pursuant to 18 U.S.C. § 3572(d)(3). Additionally, Defendant shall pay at least 50% of receipts received from gifts, tax returns, inheritances, bonuses, lawsuit awards, and any other receipt of money toward the unpaid fine balance within 15 days of receipt. The fine is payable by cashier's check or money order to the United States District Court and forwarded to the Fine and Restitution Section, U.S. Courts, P.O. Box 570, Tyler, Texas 75710. Interest is waived.

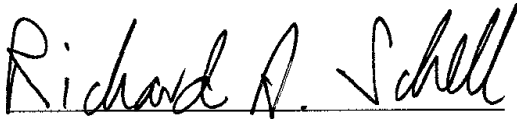
Further, it **ORDERED** that Defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring fine payments and his efforts at obtaining and maintaining lawful and gainful employment.

It is further **ORDERED** that Defendant shall participate in a program of testing and treatment for drug/alcohol abuse, under the guidance and direction of the U.S. Probation Office, until such time

as Defendant is released from the program by the probation officer.

Finally, it is **ORDERED** that Defendant is ineligible for any or all federal benefits for a period of five (5) years, effective July 1, 2003.

**SIGNED** this 21 day of September, 2007.

  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE